

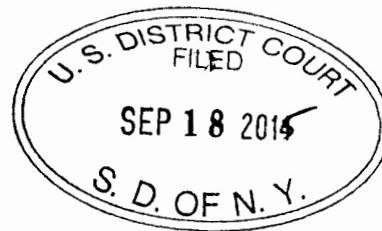
~~ORIGINAL~~

Approved:

J. A. ~~15~~
 THOMAS A. MCKAY
 Assistant United States Attorney

15 MAG 3352

Before: THE HONORABLE SARAH NETBURN
 United States Magistrate Judge
 Southern District of New York



UNITED STATES OF AMERICA

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:

SEALED COMPLAINT

:

Violations of 18 U.S.C.
§ 2113(a)

:

COUNTY OF OFFENSE:

NEW YORK

:

----- X

KIRK WALKER,

Defendant.

DOC # 1

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL GILDEA, being duly sworn, deposes and says that he is a Detective with New York City Police Department, and charges as follows:

COUNT ONE
 (Bank Robbery)

1. On or about April 18, 2015, in the Southern District of New York, KIRK WALKER, the defendant, by force and violence, and by intimidation, knowingly did take and attempt to take from the person and presence of another, property and money and other things of value belonging to, and in the care, custody, control, management, and possession of, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, to wit, WALKER stole approximately \$361 from a Banco Popular North America branch located in the vicinity of 90 West 96th Street, New York, New York.

(Title 18, United States Code, Section 2113(a).)

COUNT TWO
 (Bank Robbery)

2. On or about September 5, 2015, in the Southern District of New York, KIRK WALKER, the defendant, by force and violence, and by intimidation, knowingly did take and attempt to

take from the person and presence of another, property and money and other things of value belonging to, and in the care, custody, control, management, and possession of, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, to wit, WALKER stole approximately \$1,820 from a Capital One, National Association branch located in the vicinity of 249 East 86th Street, New York, New York.

(Title 18, United States Code, Section 2113(a).)

COUNT THREE
(Bank Robbery)

3. On or about September 14, 2015, in the Southern District of New York, KIRK WALKER, the defendant, by force and violence, and by intimidation, knowingly did take and attempt to take from the person and presence of another, property and money and other things of value belonging to, and in the care, custody, control, management, and possession of, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, to wit, WALKER stole approximately \$4,019 from a Capital One, National Association branch located in the vicinity of 2379 Broadway, New York, New York.

(Title 18, United States Code, Section 2113(a).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Detective with the New York City Police Department ("NYPD") and I am a member of the joint Federal Bureau of Investigation and NYPD Violent Crime Task Force (the "Task Force"). I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offense cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations of others are reported herein, they are reported in substance and in part.

The Robbery Pattern

5. I have participated in the investigation of five bank robberies and attempted bank robberies occurring in April and September, 2015, which, as described herein, were committed

in the same manner and means (the "Pattern Robberies"). From my investigation of the Pattern Robberies, my review of reports prepared by the NYPD and my conversations with NYPD officers, and my review of surveillance footage, I have learned, among other things, that:

a. The perpetrator in each of the Pattern Robberies used the same method of operation, as described more fully below.

b. I have reviewed surveillance video footage from four of the Pattern Robberies and seen still photographs taken from the surveillance footage from all five of the Pattern Robberies. The perpetrator in each of those videos and still photographs appears to be the same person. The perpetrator is a black male of average height with a muscular build. In several of the videos, the perpetrator is wearing the same flat-brimmed New York Yankees hat, the same white t-shirt with a shallow V-neck, and dark sunglasses; in several of the videos, he is also carrying a dark-colored bookbag.

c. Witnesses at each of the Pattern Robberies provided similar descriptions of the perpetrator, consistent with his appearance in the surveillance footage.

d. Demand notes were used in all five of the Pattern Robberies and were recovered from four of the Pattern Robberies. The notes that were recovered contain similar content communicated in what appears to be the same handwriting. A NYPD handwriting analyst examined several of the notes and determined that they are associated to a common source.

e. As described below, latent fingerprints were recovered from the demand notes used in three of the Pattern Robberies. In all three instances, the fingerprints positively matched the fingerprints of KIRK WALKER, the defendant.

6. Based on my review of the surveillance footage and still photographs from the Pattern Robberies, and my review of photographs of KIRK WALKER, the defendant, I believe the perpetrator depicted in each of the surveillance videos and still photographs is KIRK WALKER, the defendant.

The April 18, 2015 Robbery

7. Based on my review of reports prepared by the NYPD and my conversations with a NYPD detective who responded to the scene of the robbery, I have learned, among other things, that:

a. On or about April 18, 2015, the NYPD received notice of a bank robbery that had taken place at the Banco Popular North America branch located in the vicinity of 90 West 96th Street, New York, New York ("the Popular Community Bank Branch"), at approximately 1:10 p.m. that day ("Robbery-1").

b. A bank employee reported to the NYPD, in substance and in part, that:

i. The perpetrator approached the counter and passed the employee a threatening note.

ii. The employee gave the perpetrator approximately \$361, which included a dye pack. The perpetrator separated the dye pack, took the money, and left the bank.

8. I have reviewed surveillance footage taken at the Popular Community Bank Branch on or about April 18, 2015, and it depicts the events of Robbery-1 in the same manner described by the bank employee.

9. Based on my review of a photograph taken of the demand note, which was recovered from the scene of Robbery-1, I know that the note states: "This is a robbery give me all the money out the drawer! I have a gun do as I say nobody gets hurt!!"

10. Based on my review of an NYPD report, I know that a latent fingerprint was recovered from the note used in Robbery-1. An NYPD fingerprint examiner determined that the fingerprint on the note was a positive match to the fingerprint of KIRK WALKER, the defendant.

The First September 4, 2015 Attempted Robbery

11. Based on my review of reports prepared by the NYPD and my conversations with a NYPD detective who responded to the scene of the robbery, I have learned, among other things, that:

a. On or about September 4, 2015, the NYPD received notice of an attempted bank robbery that had taken place at the Citibank branch located in the vicinity of 1310 Amsterdam Avenue, New York, New York (the "Citibank Branch"), at approximately 3:25 p.m. that day ("Attempted Robbery-1").

b. A bank employee reported to the NYPD, in substance and in part, that:

i. The perpetrator approached the counter and passed the employee a threatening note.

ii. The employee walked away from the counter without giving the perpetrator any money, and the perpetrator left the bank.

12. I have reviewed surveillance footage taken at the Citibank Branch on or about September 4, 2015, and it depicts the events of Attempted Robbery-1 in the same manner described by the bank employee.

13. Based on my review of a photograph taken of the demand note, which was recovered from the scene of Attempted Robbery-1, I know that the note states: "This is a robbery I have a gun give me everything nobody get hurt!"

14. Based on my review of an NYPD report, I know that no latent fingerprints were recovered from the note used in Attempted Robbery-1.

The Second September 4, 2015 Attempted Robbery

15. Based on my review of reports prepared by the NYPD and my conversations with a NYPD detective who responded to the scene of the robbery, I have learned, among other things, that:

a. On or about September 4, 2015, the NYPD received notice of an attempted bank robbery that had taken place at the Carver Federal Savings Bank branch located in the vicinity of 142 Lenox Avenue, New York, New York, at approximately 4:57 p.m. that day ("Attempted Robbery-2").

b. A bank employee reported to the NYPD, in substance and in part, that:

i. The perpetrator approached the counter and passed the employee a note. Before the employee read the note, the perpetrator said, in sum and substance, "You already know."

ii. The employee passed the note back to the perpetrator without giving him any money, and the perpetrator left the bank.

The September 5, 2015 Robbery

16. Based on my review of reports prepared by the NYPD, including by the detective who responded to the scene of the robbery, I have learned, among other things, that:

a. On or about September 5, 2015, the NYPD received notice of a bank robbery that had taken place at the Capital One, National Association branch located in the vicinity of 249 East 86th Street, New York, New York (the "Capital One 86th Street Branch") at approximately 11:35 a.m. that day ("Robbery-2").

b. A bank employee reported to the NYPD, in substance and in part, that:

i. The perpetrator approached the counter and passed the employee a threatening note.

ii. The employee gave the perpetrator approximately \$1,820 in cash. The perpetrator took the money and left the bank.

17. I have reviewed surveillance footage taken at the Capital One 86th Street Branch on or about September 5, 2015, and it depicts the events of Robbery-2 in the same manner described by the bank employee.

18. Based on my review of a photograph taken of the demand note, which was recovered from the scene of Robbery-2, I know that the note states: "This is a robbery if you move or don't do as I say I will shoot you. Just give me everything and no one gets hurt!"

19. Based on my review of an NYPD report, I know that latent fingerprints were recovered from the note used in Robbery-2. An NYPD fingerprint examiner determined that the fingerprints on the note were a positive match to the fingerprints of KIRK WALKER, the defendant.

The September 14, 2015 Robbery

20. Based on my review of reports prepared by the NYPD, including by the detective who responded to the scene of the robbery, I have learned, among other things, that:

a. On or about September 14, 2015, the NYPD received notice of a bank robbery that had taken place at the Capital One, National Association branch located in the vicinity

of 2379 Broadway, New York, New York (the "Capital One Broadway Branch"), at approximately 9:40 a.m. that day ("Robbery-3").

b. A bank teller reported, in substance and in part, that:

i. The perpetrator approached the counter and passed the employee a threatening note.

ii. The employee gave the perpetrator approximately \$4,019 in cash. The perpetrator took the money and left the bank.

21. I have reviewed surveillance footage taken at the Capital One Broadway Branch on or about September 14, 2015, and it depicts the events of Robbery-3 in the same manner described by the bank employee.

22. Based on my review of a photograph taken of the demand note, which was recovered from the scene of Robbery-3, I know that the note states: "This is a robbery give me everything in the drawer! Do as I say and nobody gets hurt! I have a gun!"

23. Based on my review of an NYPD report, I know that a latent fingerprint was recovered from the note used in Robbery-3. An NYPD fingerprint examiner determined that the fingerprint on the note was a positive match to the fingerprint of KIRK WALKER, the defendant.

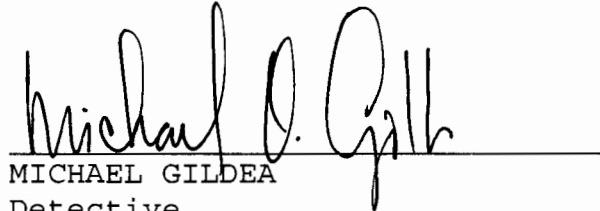
* * *

24. Based on my review of publicly available materials, as well as my training and experience as a Detective with the NYPD and a member of the Task Force, I know that:

a. The deposits of Banco Popular North America were, on or about April 18, 2015, insured by the Federal Deposit Insurance Corporation ("FDIC").

b. The deposits of Capital One, National Association were, on or about September 5 and 14, 2015, insured by the FDIC.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of KIRK WALKER, the defendant, and that he arrested and imprisoned or bailed, as the case may be.


MICHAEL GILDEA
Detective
New York City Police Department

Sworn to before me this
18th day of September, 2015


THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York